

HUMAN SERVICES BOARD

INTRODUCTION

DISCUSSION

The Department conducted a Commissioner's Review of the matter on September 16, 2009, resulting in a decision dated

October 1, 2009. At a telephone status conference held on October 16, 2009 the petitioner stated that she did not dispute the factual bases of the Department's decision, or that the licensor's findings constituted violations of the Department's regulations.

The petitioner argued that the violations were relatively minor and that she promptly corrected them. She stated that she feels aggrieved by the fact that the Department's web site, which notes the violations, makes no mention of the fact that she promptly corrected them.

ORDER

The Department's underlying decision is affirmed

REASONS

Like several other recent cases, this case does not involve a decision by the Department regarding the petitioner's day care registration. It is only whether two of the conditions noted in the Department's Field Visit Report of its inspection of the petitioner's facility on May 26, 2009 constituted "violations" of the Department's family day care home regulations. If so, a notice of those violations is listed on the Department's web site for the public's information.

As noted above, the petitioner does not dispute the violations in question. She maintains, however, that these conditions, as they existed in her home on July 22 were minor and temporary, and that she took prompt measures to remedy them.

Given that the sole purpose of the Department's regulations is to protect the health and safety of children, and that the mere posting of violations in day care facilities and on the internet is intended to be informational rather than punitive, the Board has consistently granted the Department deference and leeway in its interpretation of what constitutes a violation of its regulations. Moreover, the Department represents that it will provide further information on its web site when violations have been corrected.

Therefore, the Department's decision in this case is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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